

Appl. No. 10/083,792  
Attorney Docket 01-1001

### REMARKS

In the Office Action mailed March 19, 2004, the Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(4); objected to claim 1, due to an informality; and rejected claims 1-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,301,609 to Aravamudan et al. ("Aravamudan").

### Summary of this Amendment

By this Amendment, Applicant has amended the specification at paragraphs [002], [035], [049], and [069], cancelled claims 13 and 15 without prejudice or disclaimer of the subject matter thereof, and amended claims 1-2, 4-9, 12, 14 and 16-18 to more distinctly claim subject matter Applicant regards as inventive. In view of the foregoing, Applicant respectfully requests the timely reconsideration and allowance of pending claims 1-12, 14 and 16-21.

### Detailed Response

#### Objections to the Drawings

In the Office Action, the Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4). In particular, the Examiner objected to the drawings "because reference characters '216' (on page 10, line 23) and '212' have both been used to designated input device." (O.A. at p. 2.) Applicant submits that "216," at page 10, line 23 should correctly read "212," and have amended paragraph 35 to correct this apparent typographical error. Accordingly, Applicant requests withdrawal of this objection.

In addition, the Examiner objected to the drawings "because reference characters '218' (on page 10, line 23) and '214' have both been used to designated output device." (O.A. at p. 2.) Applicant submits that "218," at page 10, line 23 should correctly read "214." Applicant has

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amended paragraph 35 to correct this apparent typographical error. Accordingly, Applicant requests withdrawal of this objection.

In addition, the Examiner objected to the drawings "because reference characters '322' (on page 15, line 19) and '332' have both been used to designate view portion." (O.A. at pp. 2-3.) Applicant submits that "322," at page 15, line 19 should correctly read "332," and have amended paragraph 49 to correct this apparent typographical error. Accordingly, Applicant requests withdrawal of this objection.

Lastly, the Examiner objected to the drawings "because they fail to show STP 24, mentioned on page 21, lines 12, 16, and 17 as described in the specification." (O.A. at p. 3.) Applicant submits that "STP 24," at page 21, lines 12, 16, and 17 should correctly read "STP 602 and 604," and has amended paragraph 69 to correct this apparent typographical error. Accordingly, Applicant requests withdrawal of this objection.

#### Claim objections

The Examiner objected to claim 1 because of "informalities" related to the original claim language "A method for alerting a calling party of a message from the a called party via a network ..." Applicant has amended claim 1 to correct the transposition of the "called" and "calling" parties in claim 1, as suggested by the Examiner. Accordingly, Applicant requests withdrawal of this objection.

#### Rejections under 35 U.S.C. § 102(e)

The rejections of claims 1-21 as being anticipated under 35 U.S.C. § 102(e) are respectfully traversed. Claims 13 and 15 have been cancelled in this response, and therefore the rejections of these claims are rendered moot. In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102(e), a single reference must teach each and every element of the

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claim in issue, either expressly or under principles of inherency. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *See* M.P.E.P. § 2131(8<sup>th</sup> Ed. Aug. 2001), *quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8<sup>th</sup> Ed. 2001). Applicants submit that these requirements have not been met for at least the following reasons.

Independent claim 1, as amended, recites a combination of method steps that includes "receiving a first message including an identifier of a calling party and [a] voice mail message" and "providing a second message including the calling party identifier and the voice mail message to the called party via the data network." Applicant submits that Aravamudan (at the least) does not disclose the receiving or providing of such messages. Accordingly, Aravamudan cannot anticipate the combination recited in claim 1, and Applicant therefore respectfully requests the allowance of claim 1. As claims 2-6 depend from claim 1, and therefore include all of the limitations of claim 1, Applicant requests the allowance of claims 2-6 for at least the same reasons as the allowance of claim 1.

Independent claim 7, as amended, recites a combination of method steps, including, for example, "generating a voice mail alert message corresponding to [a] voice mail message, the voice mail alert message including the voice mail message," and "transmitting the voice mail alert message to an instant messaging server." Applicant submits that Aravamudan (at the least) does not disclose such generating or transmitting steps. Accordingly, Aravamudan cannot anticipate the combination recited in claim 7. Applicants therefore respectfully request the timely allowance of claim 7.

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Independent claim 8, as amended, recites a combination of method steps including, for example "sending a message to a server connected to the data network, the message including the voice mail," and "storing the voice mail in a database accessible by the data network."

Applicant submits that Aravamudan does not disclose such sending or storing steps.

Accordingly, Aravamudan cannot anticipate the combination recited in claim 8. Applicant therefore respectfully requests the timely allowance of claim 8. As claims 9-11 depend from claim 8, and therefore include all of the limitations of claim 8, Applicant requests the allowance of claims 9-11 for at least the same reasons as the allowance of claim 8.

Independent claim 12, as amended, recites a combination of components including, for example, "a gateway device . . . capable of receiving, via the telephone network, a first message including [a] voice message and an indication of the calling party and providing a second message including the voice message and the indication of the calling party to the called party via the data network." Applicant submits that Aravamudan (at the least) does not disclose a gateway device that is capable of receiving or providing such messages. Accordingly, Aravamudan cannot anticipate the combination recited in claim 12. Applicant therefore respectfully requests the timely allowance of claim 12. As claims 14, 16 and 17 depend from claim 12, and therefore include all of the limitations of claim 12, Applicant requests the allowance of claims 14, 16 and 17 for at least the same reasons as the allowance of claim 12.

Independent claim 18 recites a combination of components including, for example, "a gateway . . . capable of receiving a voice mail from the first transmitter and providing a message to a called party including the voice mail via the second transmitter." Applicant submits that Aravamudan (at the least) does not disclose such a gateway. Accordingly, Aravamudan cannot anticipate the combination recited in claim 18. Applicants therefore respectfully request the

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timely allowance of claim 18. As claims 19-21 depend from claim 18, and therefore include all of the limitations of claim 18, Applicant requests the allowance of claims 19-21 for at least the same reasons as the allowance of claim 18.

**Conclusion**

In view of the foregoing, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of pending claims 1-12, 14 and 16-21.


The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified above, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to deposit account 07-2339.

Respectfully submitted,

Dated: **June 21, 2004**

By: \_\_\_\_\_

  
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